

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

J&A CONCRETE CORP.,

Plaintiff,

21-cv-11097 (JGK)

- against -

MEMORANDUM OPINION
AND ORDER

DOBCO INC., ET AL.,

Defendants.

JOHN G. KOELTL, DISTRICT JUDGE:

The plaintiff, J&A Concrete Corp., has moved to strike two expert reports proffered by Defendant Dobco, Inc., namely a report by Riveroso Associates, Inc. and a report by ARCHforensic, LLC. ECF No. 86. The plaintiff claims that the reports address issues of fact that are capable of being understood without the need of an expert, and that the two expert opinions are simply efforts by the experts to express impermissible opinions of law or ultimate issues of fact that would not be useful to the factfinder. See Pl.'s Mem. of Law at 7-11, ECF No. 88.

The motion is **denied** without prejudice to renewal on a motion in limine with respect to any specific opinion that the plaintiff contends is impermissible. Having reviewed both expert reports, it is apparent that the reports provide detailed accounting, construction, and architectural expertise that is useful in understanding the factual record in this case. See Declaration of Elliot A. Hallak, Exs. C-D, ECF Nos. 87-3-87-4.

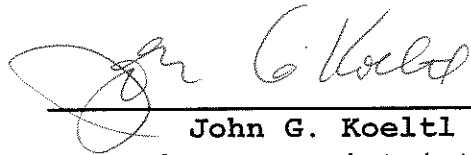
This is particularly true given the fact that this will be a bench trial, and the Court can disregard any opinions that seek to encroach on the Court's obligations to find the facts and apply the law. See generally Stern v. Cigna Group Ins., No. 06-cv-1400, 2009 WL 1835111 (S.D.N.Y. June 25, 2009) (denying without prejudice a motion to strike an expert report because "[p]articularly in a bench trial, the Court is able to conduct . . . inquiries [about the quality of the expert's opinions] in an efficient manner without imposing undue delay on the progress of the proceedings[,] [and] the Court may ultimately find that particular opinions proffered by [the expert] are insufficiently reliable to warrant admissibility at all[.]").

CONCLUSION

The Court has considered all of the arguments raised by the parties. To the extent not specifically addressed, the arguments are either moot or without merit. For the foregoing reasons, the motion to strike is **denied** without prejudice. The Clerk is directed to close ECF No. 86.

SO ORDERED.

Dated: New York, New York
July 9, 2024



John G. Koeltl
United States District Judge